

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-20 were presented in this application. By this amendment, claims 2 and 20 are canceled, and claims 1, 4 and 6-8 are amended. Accordingly, after entry of this amendment, claims 1 and 3-19 are pending.

Claim Objections

Claim 4 is objected to because "least" is misspelled as "lest". Claim 4 is amended to correct this spelling error.

Claim Rejections – 35 USC 102

Claims 1-4, 6-10 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,715,524 to Jambhekar. In response, claim 1 is amended to include the limitations of dependent claim 2, and dependent claim 2 is canceled. Claims 4 and 6-8 are amended to depend from claim 1, rather than from canceled claim 2. Claim 20 is canceled, without prejudice. Applicant submits that claim 1, as amended, and claims 2-4 and 6-10 dependent thereon, distinguish over Jambhekar.

Jambhekar discloses a radio communication device 103 providing several communication services, including radiotelephone service, electronic mail service and facsimile service. Device 103 includes a main body housing element 107, a movable housing element 109 and a switch 127. Movable element 109 includes a keypad 125. When movable housing element 109 is in a closed position, device 103 provides one set of user functions. When movable housing element 109 is in an open position, switch 127 produces a signal to provide another set of functions.

Applicant's claim 1 recites a cover which may be opened and closed and including a first key. Claim 1 also requires, however, *in addition to the cover*, at least one sheet that can be opened and closed. Sheets 160, 170 and 180 are illustrated in applicant's Figures 5a-5c, and provide the keys that protrude through openings in the sheets with different functions depending on whether the sheets are

opened and closed. *The sheets are in addition to the cover.* Claim 1 also recites both a cover detector *and* a sheet detector, and the control unit changes functions depending on the open/close status of both the cover and the sheets.

Jambhekar, while disclosing a cover 109 that changes the function of device 103 depending on whether it is opened and closed, and a switch 127 to detect the open/closed state, fails to disclose sheets in addition to the cover that may be opened and closed to further change device function, and which are detected by an *additional detector*. Since Jambhekar fails to teach each and every limitation of claim 1, as amended, it cannot anticipate claim 1. Applicant submits that the rejection should be withdrawn. Claims 3 and 6-10 depend from claim 1, and distinguish over Jambhekar for the same reasons.

Claim Rejections – 35 USC 103

Claim 5 is rejected under 35 USC 103(a) as obvious over Jambhekar in view of U.S. Patent No. 5,410,419 to Muramatsu. Muramatsu is directed to a combination facsimile and copy machine with distinguishable facsimile and copy outputs and simple operation to activate copy function in power saving mode. It does not disclose a movable cover and separate movable sheets, as discussed above, and therefore does not remedy the deficiencies of Jambhekar. Claim 5 is not rendered obvious by the combination of Jambhekar and Muramatsu.

Claims 11-19 are rejected under 35 USC 103(a) as obvious over Jambhekar in view of U.S. Patent No. 5,852,764 to Kida. Claim 11 is directed to a facsimile machine with a copying function, wherein a first key switches between a copy mode and a fax mode and moves with the cover, and a second key is depressed by the first key if the cover is closed. A cover detector detects the open/closed status of the cover, and a controller switches between copy mode and facsimile mode when the second key is depressed by depression of the first key while the cover is closed. Applicant submits that claim 11, as filed, distinguishes over Jambhekar and Kida.

The Action acknowledges that Jambhekar fails to address or disclose a means for switching between a copy and a fax mode. Kida is cited for its disclosure of a

touch panel key for moving between various operational modes, including copy mode and fax mode (col. 19, lines 1-7). According to the Action, the combination of Jambhekar and Kida renders claim 11 obvious. Applicant respectfully disagrees.

First, according to Kida, the operation function of the facsimile machine is selected via a key on the exterior of the facsimile machine. Jambhekar, conversely, discloses a radiotelephone device having two sets of radiotelephone functions, which are selected by opening and closing a movable housing member. Applicant respectfully submits that the proposed combination would change the principle of operation of the references, and is therefore not proper under MPEP 2143.01. (*see, MPEP 2143.01*).

Moreover, the purpose of Jambhekar is to integrate multiple radiotelephone functions into a single device to be providing a "portable or hand held radio communication device" (*see Jambhekar, Col. 1, Lines 20-23*). Indeed, it is common knowledge the main advantage of a radio communication device over a land-line device is their mobility and portability. By adding the facsimile and copy functions of Kida to Jambhekar's radiotelephone device, it would be necessary to add a record unit and scan unit to the radiotelephone device. The weight and bulk of the record unit and scan unit would render the radiotelephone device neither "portable" nor "hand held" as required by Jambhekar. Applicant respectfully submits the suggested modification renders the prior art unsatisfactory for its intended purpose, and is therefore not proper under MPEP 2143.01.

Claims 12-19 depend from claim 11 and are allowable for the same reasons. With respect to claim 12, directed to the addition of movable sheets for providing different functions, the arguments set forth with respect to claim 1 above are equally applicable.

Conclusion

This application is now believed to be in form for allowance. The Examiner is invited to telephone the undersigned should any issues remain after entry of this

Appl. No. 09/782,659
Amdt. Dated December 2, 2004
Reply to Office Action of September 3, 2004

Attorney Docket No. 81800.0148
Customer No. 26021

amendment. Any fees due with this response may be charged to our Deposit
Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: December 2, 2004

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701